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SUBJECT: CANADA: LIFE SENTENCE FOR RWANDAN WAR CRIMINAL

REF: OTTAWA 383

¶1. (SBU) Summary: A Quebec court has sentenced D????sir???? Munyaneza, a failed Rwandan refugee claimant, to life imprisonment with no eligibility for parole for 25 years for genocide, crimes against humanity, and war crimes stemming from his participation in the 1994 Rwandan genocide. The landmark sentence -- the harshest permitted under Canadian law -- and conviction are the first under Canada's Crimes Against Humanity and War Crimes Act of 2000. The sentence sets a significant precedent for future cases, and reinforces the message that Canada will not be a safe haven for war criminals. End summary.

¶2. (U) The Quebec Superior Court on October 29 sentenced D????sir???? Munyaneza to life imprisonment, with no eligibility for parole for 25 years on seven convictions of genocide, crimes against humanity, and war crimes. Each of the convictions under Canada's previously untested Crimes Against Humanity and War Crimes Act (passed in 2000) carried a mandatory minimum penalty of life imprisonment, but he will serve sentences concurrently. The Act permits the prosecution of Canadian residents for acts committed overseas.

¶3. (U) The Court had convicted Munyaneza on May 22 after a landmark trial on charges related to acts allegedly committed by him between April 6 and July 4 1994 in Rwanda (ref a). Canada had first brought the case in 2005. The prosecution met a high burden of proof (particularly for genocide) and overcame significant obstacles to secure the convictions, including that almost all of the 66 witnesses were from outside Canada, many had their identities shielded to prevent reprisals in Rwanda, and most spoke a foreign language. In May, legal experts estimated the cost of the trial at C\$1.6 million.

¶4. (U) In his written decision, Superior Court Justice Andr???? Denis defended the severe sentence because "the law considers the crimes committed by the accused to be the worst in existence." He noted that "the accused, an educated man from a privileged background, chose to kill, rape and pillage in the name of his ethnic group's supremacy." Justice Denis also observed that world history has proven that what happened in Rwanda can happen anywhere in the world.

¶5. (U) Munyaneza arrived in Canada in 1997 and claimed refugee status. Authorities refused his claim, and twice further on appeal, before arresting him on war crimes charges in October 2005. He has already spent four years in detention. With time already served, the 42-year old Munyaneza still faces 21 years in prison before becoming eligible for parole. The sentence exceeds the 20 years suggested by his defense lawyer. Munyaneza will appeal the conviction, but the plea will likely not be heard until 2010 at the earliest.

¶6. (SBU) Comment: Securing Canada's first war crimes conviction and the maximum sentence permitted under Canadian law is

a major achievement. The case sets an important precedent and reinforces the message that Canada has the will and the tools to prevent the country becoming a safe haven for war criminals. That ten years have elapsed between his arrival in Canada and his sentencing underscores the complexity of investigations and successful prosecution.

JACOBSON